

### **REMARKS**

Applicants have thoroughly considered the Examiner's remarks in the July 8, 2010 Office action and have amended the application to more clearly set forth aspects of the claims. This Amendment F amends claims 1, 11, 22, and 26. No new matter has been added.

Claims 1-6, 8, 10-15, and 22-29 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

**Applicants request that the Examiner now have the drawings as originally filed reviewed and accepted.**

### **Response to Arguments**

The Office, in withdrawing the previous indication of allowable subject matter, combines **Colson** et al. (US Patent No. 6,708,217), **Egli** et al. (US Patent Application Publication No. 2003/0110234), **Montagna** et al. (US Patent Application Publication No. 2004/0242322), **Vasudevan** et al. (US Patent Application Publication No. 2004/0367965), and **Warsta** et al. (US Patent Application Publication No. 2004/0181550) against the amended claims.

Colson discloses a distributed rendering system wherein **each content type is delivered from a central Demultiplexer 220 to different rendering devices** in a distributed network. Specifically, Colson discloses locating an appropriate renderer/device for each content type, based on a content mapping registry for example (Abstract). The Background section of Colson (Col.2, cited in Office Action) discloses a text file with multiple content-type specification, which the Office compares to the Applicants' data structure representing the notification. In contrast, Applicants' claims are directed to a user device that receives and **processes a notification for self-rendering**. The clients receiving the content in Colson's system, on the other hand, have no such evaluative logic stored thereon.

The Office correctly agrees that Colson does not disclose several significant aspects of Applicants' claims. Egli, in a manner similar to Colson, is focused on an online media delivery system with client detection capabilities enabling delivery of

appropriate media content to connected client devices. Paragraphs [0017] and [0088] of Egli generally disclose the use of Composite Capabilities/Preference Profiles, and paragraph [0092] merely discloses identification of a client from an HTTP request. The CC/PP<sup>1</sup> is a standard developed by the W3C to describe device capabilities that can be used to guide the adaptation of content presented to the client device, and introduces an elaborate vocabulary and structure that is used to define client profiles.

The Office, however, alleges that the cited text of Egli discloses "**a single fidelity measure singularly indicating the total capability** of the user device to render." And the Office explains that the term 'measure' is subject to a variety of interpretations broader than simply a number/value. Applicants respectfully disagree; as is known to one of skill in the art, a measure<sup>2</sup> may variably defined as a unit/standard/system of measurement; the extent, dimensions, quantity, etc., of something, ascertained esp. by comparison with a standard; and so on. A 'singular' measure is then a singular unit, or a singular quantity, etc. To state that the elaborate schema-based CC/PP Specification is a singular measure is incorrect and an oversimplification of the CC/PP standard.

Further, Egli combined with Colson at most modifies Colson to use CC/PP for specifying and identifying its clients. This is distinguishable from the approach of evaluating a singular, quantity-based fidelity measure in view of the components that need to be rendered as per the notification.

Vasudevan sets forth methods of delivering content on multiple devices. FIG. 14 of Vasudevan (cited by the Office) and the associated text describes a format that **represents user preferences related to preferred devices** for rendering particular types of content. Applicants respectfully submit that a device-based preference list of rendering is not akin to a content-type based order of rendering. The list specified which device is the content rendered on; the Applicants' claimed order specifies which content item gets rendered before/after another. This is further evidenced in Paragraph [0131] of Vasudevan, where **delivering** text to the PDA has higher utility than delivering graphics, which has higher utility than delivering video or audio, and does not specify an order of rendering. Combining Vasudevan with Colson/Egli at most provides a

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<sup>1</sup> <http://www.w3.org/TR/2000/WD-CCPP-vocab-20000721/>

<sup>2</sup> <http://dictionary.reference.com/browse/measure>

distributed system with a user specification of a delivery preference, and fails to cure the deficiencies of Colson/Egli. **Hence, the Office is incorrect in withdrawing the allowance of the Applicants's claims solely based on Vasudevan, when the claims were otherwise deemed allowable.**

The Office further contends that Warsta discloses selecting content data with the longest length based on a size restriction of a display. Applicants would like to note that no text was cited against this claim (see Page 8 of latest Office Action), thereby deeming this rejection improper. Nevertheless, upon reviewing Warsta, it is clear that Warsta describes adaptation of content to requesting devices, and provides various approaches to content modification in this regard. Warsta discloses no embodiment in which (as claimed by Applicants) the longest possible length of content is selected based on restrictions of the client device rather than modifying the content. Even when combined with the other cited references, the net result is a media distribution system (Colson/Egli) wherein the clients have CC/PP specifications (Egli), a user has provided a device preference for rendering/distribution, and the content may be adapted to a selected client before transmission to the client.

While elaborate, such a system still fails to teach key aspects of the Applicants' claims, namely (but not limited to) a) a singular fidelity measure of total rendering capability of all content in a received notification, b) a fidelity tag specifying a rendering order, and c) selection of the longest possible length of content data. Montagna is merely used by the Office to disclose a gaming system, and fails to cure the deficiencies of the other applied references.

### **Claim Rejections Under 35 U.S.C. § 101**

Claims 10, 11-15, and 28 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. The Office states that the Specification does not sufficiently limit the term 'computer-readable storage media' to electronic memory. Applicants respectfully disagree. The Specification as filed recites, at paragraph [0039], that " By way of example and not limitation, computer readable media comprise computer storage media and communication media." Additionally, **"Computer storage media include volatile and nonvolatile, removable and non-removable media implemented**

**in any method or technology for storage of information** such as computer readable instructions, data structures, program modules or other data. For example, computer storage media include RAM, ROM, EEPROM, flash memory or other memory technology, CD-ROM, digital versatile disks (DVD) or other optical disk storage, magnetic cassettes, magnetic tape, magnetic disk storage or other magnetic storage devices, or any other medium that can be used to store the desired information and that can be accessed by computer 130."

In contrast, **"Communication media typically embody computer readable instructions, data structures, program modules, or other data in a modulated data signal such as a carrier wave** or other transport mechanism and include any information delivery media. Those skilled in the art are familiar with the modulated data signal, which has one or more of its characteristics set or changed in such a manner as to encode information in the signal. Wired media, such as a wired network or direct-wired connection, and wireless media, such as acoustic, RF, infrared, and other wireless media, are examples of communication media."

In this manner, storage media is distinguished from communication media as described above, and is statutory subject matter. Accordingly, Applicants request that the 35 U.S.C. § 101 rejection of these claims be withdrawn. The Examiner is strongly encouraged to call the Undersigned if substantial 35 U.S.C. § 101 issues still remain.

### **Claim Rejections Under 35 U.S.C. § 103**

#### **Claims 1-6, 8, 10-15, and 26-29**

Claims 1-6, 8, 10-15, and 26-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Colson in view of Egli, in view of Montagna, in view of Vasudevan, and further in view of Warsta. Applicants respectfully submit that none of the applied references, alone or in combination render these claims unpatentable.

As discussed, none of these references disclose a singular fidelity measure, a fidelity tag and content data selection in the manner claimed and discussed above. Nevertheless, Applicants have amended the claims in the interest of furthering prosecution. In this regard, amended independent claim 1 recites "determining a single fidelity measure of the user device, **said fidelity measure singularly and numerically**

**indicating the total capability of the user device to render all of the plurality of multimedia components of the notification, said fidelity measure having a maximum value of 1".** Amended claim 1 hence specifies the fidelity measure as a single, numerical value upto 1 that signifies total rendering capability for a given notification. Even if one assumes that the schema of the CC/PP Standard, as used by Egli and known to one in the art, is a 'singular measure', it is not quantitative and does not abstract rendering ability of a device to a single numerical value.

Amended claim 1 further recites **"determining a fidelity tag for each content data attribute from the data packet** indicating a preference order for the non-rendered content data of the each content data attribute, said determining further comprising reordering the indicated preference order based on user-specified preferences". Hence, the fidelity tag is a rendering order and is a) specified in the data packet, and b) is reordered based on user preferences of a rendering order. Even though Vasudevan discloses a user preference table, the table specifies a device preference, not a rendering order, which are really two different entities.

Claim 1 has been further amended to clarify that the content data is selected **"with the longest possible length based on a size restriction of a display** associated with the user device," which is not related to Warsta's practice of adapting content that doesn't otherwise 'fit' on the client device, as discussed earlier.

For all these reasons, amended independent claim 1 is distinguishable over the applied references.

Claims 2-6, 8, and 10 depend from allowable claim 1, and are allowable for similar reasons.

The Office rejects independent claim 11 in a manner similar to claim 1. Applicants submit that claim 11 is indeed allowable as reasoned above, and further allowable in light of the following amendments, where "a configuration component to determine a single fidelity measure of a game console, **said fidelity measure singularly and numerically indicating the total capability of the game console to render all of the plurality of multimedia components** of the notification and to **determine a fidelity tag from the data structure** for each content data field indicating a preference order for the non-

rendered content data of the each content data field, wherein **the indicated preference order is reordered based on user-specified preferences**". It is important to note that the fidelity measure is defined in the context of the received notification, i.e., based on the content data that the user device is asked to render. In contrast, the CC/PP standard is purely a device specification and independent of rendering requests. For all these additional reasons, amended claim 11 is distinguishable over the applied art.

Claims 12-15 depend from allowable claim 11, and are allowable for similar reasons.

Amended independent claim 26 also recites the fidelity measure as "**numerically indicating the singular capability of the game console** to process all of the plurality of multimedia components of the notification", and overriding the preference order of the fidelity tag by "**reordering the indicated preference order based on user-specified preferences**." Applicants claimed approach is beneficial that via fidelity measures and tag the data structure includes hints to enable the end user device to match device capabilities with content from the notification. This is further reinforced by the recitation that the selected content data "**has the longest possible length based on a size restriction of a display** associated with the user device," a feature not disclosed by Warsta, much less any of the other applied references. Hence, amended claim 26 is distinguishable over the applied art.

Claims 27-29 depend from allowable claim 26, and are allowable for similar reasons.

#### Claims 22-25

Claims 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Colson in view of Egli, in view of Montagna, in view of Vasudevan, and further in view of Smith et al (US Patent 6,463,462). Applicants respectfully submit that none of the applied references, alone or in combination render these claims unpatentable.

Independent claim 22, amended in the interest of furthering prosecution, recites "a single fidelity measure of a game console associated with the user, **said fidelity measure singularly and numerically indicating the total capability of the game**

**console** to render all of the plurality of multimedia components of the notification, **said fidelity measure having a maximum value of 1."** As discussed earlier, Colson/Egli/Montagna/Vasudevan fail to disclose these features. In particular, Vasudevan fails to disclose a singular fidelity measure, much less routing based on a singular fidelity measure.

Smith discloses a message delivery system, and fails to cure the deficiencies of the other applied art. FIG. 4 of Smith shows Profile Manager functionality that is employed to generate and maintain recipient profiles. Even if one assumes that Smith discloses routing preferences, it is noteworthy that the claim requires routing based on the routing preferences **and** the fidelity measure, a feature lacking in the applied references. Routing preferences are of little use if the client device is inherently incapable of rendering the notification, as would be determined by the fidelity measure.

In fact, the very combination of a messaging system (Smith) and a distributed media delivery system (combination of other applied references) is questionable. Even though both are by nature computing systems, significantly different issues are addressed and require differing developmental efforts. Routing preferences for messaging systems do not face rendering compatibility challenges discussed herein. The Office has additionally failed to reference the basis for combining these disclosures (Page 12 of latest Office Action), indicating it to be a case of hindsight. For all these reasons, amended claim 22 is distinguishable over the applied references.

Claims 23-25 depend from allowable claim 22, and is allowable for similar reasons.

**Conclusion**

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1-6, 8, 10-15 and 22-29 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the claims. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

**Applicants wish to expedite prosecution of this application. If the Examiner deems the application to still not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.**

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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